

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

James Johannes Sharpe, et al.,

Plaintiffs,

v.

Case No. 2:13-cv-187

**Sierra Leone Ministry of Surveys,
Lands and Environment, et al.,**

Judge Michael H. Watson

Defendants.

OPINION AND ORDER

James Johannes Sharpe and Ubadire Nathaniel Nwoko ("Plaintiffs") initiated this breach of contract case on March 1, 2013. Plaintiffs sue the Sierra Leone Ministry of Surveys, Land and Environment ("Sierra Leone"), the Estate of Jamil Said and its representative, Bassem Mohamed, and Miles Investments (S.L.) Ltd. ("Miles Investments"), a Sierra Leonean corporation owned by Plaintiffs, seeking to recover business losses incurred after the termination of a lease obtained to operate an ice business on real estate located in Sierra Leone. Compl. PAGEID # 163–65, ECF No. 6.

On September 22, 2014, the Court referred this matter to Magistrate Judge Kemp for an initial review of jurisdictional questions, effectiveness of service, and whether Miles Investments is a proper defendant. ECF No. 22. After ordering Plaintiffs to show cause why Sierra Leone and Miles Investments should not be dismissed from the case, Magistrate Judge Kemp issued a Report and Recommendation ("R&R"), ECF No. 30, recommending: (1) the Court dismiss Sierra Leone because Plaintiffs have failed to show a "direct effect" as required under the commercial activity exception of the Foreign Sovereign Immunities Act; and (2) the Court not dismiss Miles Investments for


failure to effect proper service of process. R&R 5–6, ECF No. 30. Magistrate Judge Kemp did not address whether Miles Investments is a proper defendant.

Magistrate Judge Kemp notified the parties of their right to file objections to the R&R pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). R&R 7, ECF No. 30. The R&R further specifically advised the parties that the failure to object to the R&R within fourteen days would result in a waiver of the right to *de novo* review by the District Judge as well as a waiver of the right to appeal the decision of the District Court adopting the R&R. *Id.* The deadline for filing such objections has passed, and no objections were filed.

Accordingly, having received no objections to Magistrate Judge Kemp's findings, the R&R, ECF No. 30, is **ADOPTED**, and the Court **DISMISSES** Defendant Sierra Leone Ministry of Surveys, Land and Environment from this case.

Plaintiffs also move for entry of default against Estate of Jamil and its representative, Bassem Mohamed, ECF No. 31, and against Miles Investments, ECF No. 32. The Court **DIRECTS** the Clerk to enter default against the Estate of Jamil Said and its representative and Miles Investments. Should Plaintiffs move for default judgment against Miles Investments, Plaintiffs should address whether the Court may properly enter judgment against the corporation when its agent/managing director is a named plaintiff in this matter and it is wholly owned by Plaintiffs.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT